

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOHN OTSYULA,

Plaintiff,

v.

OREGON DEPARTMENT OF STATE LANDS,

Defendant.

No. CV 07-1390-ST

OPINION AND ORDER

MOSMAN, J.,

On February 14, 2008, Magistrate Judge Stewart issued Findings and Recommendation ("F&R") (#22) in the above-captioned case recommending that Defendant's Motion to Dismiss Plaintiff's Age Discrimination in Employment Act ("ADEA") claim and to dismiss Defendant Morales be GRANTED IN PART as to Plaintiff's ADEA claim AND DENIED IN PART as to dismissal of Morales. No objections were filed.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are

addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Stewart's recommendation, and I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 12th day of March, 2008.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court